

1 BARRY J. PORTMAN  
Federal Public Defender  
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Assistant Federal Public Defender  
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5 Counsel for Defendant CERVANTES

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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, ) No. CR 07-00430 RMW  
11 )  
Plaintiff, ) DEFENDANT'S NOTICE AND MOTION  
12 ) TO DISMISS THE INDICTMENT  
vs. )  
13 )  
MIGUEL SANTIAGO CERVANTES, ) Date: November 5, 2007  
14 ) Time: 9:00 a.m.  
Defendant. ) Court: 6  
15 \_\_\_\_\_)

16 TO: UNITED STATES OF AMERICA, PLAINTIFF; SCOTT N. SCHOOLS, UNITED  
17 STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA; AND  
18 BENJAMIN T. KENNEDY, SPECIAL ASSISTANT UNITED STATES ATTORNEY

19 PLEASE TAKE NOTICE that on Monday, November 5, 2007, or as soon thereafter as  
20 the matter may be heard, the defendant Miguel Santiago Cervantes will move this Court for an  
21 order dismissing the indictment in this case, on the basis that the prior deportation was ordered in  
22 violation of due process and executed without lawful authority.

23 The defendant bases its motion on this Notice, the attached Memorandum of Points and  
24 Authorities, and on such evidence as may be produced at the hearing on this issue.  
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1 Dated: September 28, 2007

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Respectfully submitted,

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BARRY J. PORTMAN  
Federal Public Defender

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CYNTHIA C. LIE  
Assistant Federal Public Defender

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